IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

TUESDAY, THE 17TH JULY 2007 / 26TH ASHADHA 1929

RCRev..No. 31 of 2004(B)

RCA.20/2001 OF DISTRICT COURT, KASARAGOD,
RCP.21/1987 OF MUNSIFF COURT, HOSDRUG.
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PETITIONES/RESPONDENTS 1 & 2/PETITIONERS:
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1. **NANI, W/O. KORAN SHROFF,**
   BALLA VILLAGE, HOSDURG TALUK, P.O. BALLA,
   KASARAGOD DIST.

2. **K.SHYAMALA, W/O. A.KRISHNAN,**
   -DO- -DO-.

BY ADV. SRI.V.R.VENKATAKRISHNAN (SR.),
SRI.S.ANANTHAKRISHNAN,
SRI.N.K.SUBRAMANIAN.

RESPONDENTS 2 TO 13/ APPELLANTS & RESPONDENTS 3 TO 5/RESPONDNETS:
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1. **B.UMANANDA NAIK, S/O.LATE B.RAMAKRISHNA,**
   U.D.CLERK, RESIDING AT HOSDURG, HOSDURG VILLAGE &
   TALUK, P.O. KANHANGAD, KASARAGOD DIST.

2. **HARISHCHANDRA, S/O. LATE AMMINI,**
   RESIDING NEAR L.P.SCHOOL, HOSDURG, HOSDURG TALUK,
   P.O. KANHANGAD.

3. **SREENIVASA, S/O.LATE KAMALA,**
   PARAKKADAVU HOUSE, CHITTARI VILLAGE,
   HOSDURG TALUK, P.O. CHITTARI.

4. **GUNASAGARI, D/O. -DO- KUNDAMKUKZHI,**
   BEDADKA VILLAGE, KASARAGOD TALUK.

R.C.R. NO. 31/2004:

5. **GANGADHARA, S/O. -DO- PARAKKADAVU HOUSE, CHITTARI VILLAGE, HOSDURG TALUK, P.O.CHITTARI.**

6. **MOHANDAS, S/O. -DO- -DO-.**

7. **LOKNATH, S/O. -DO- -DO-.**

8. **MANJULA, D/O. -DO- -DO-.**

9. **GOWRI, D/O. LATE LALITHA, RESIDING NEAR BUS STOP AT CHETTUKUNDU, KEEKKAN VILLAGE, HOSDURG TALUK, P.O. KEEKKAN.**

10. **HARISHCHANDRA, S/O. -DO- -DO-.**

11. **AHALYA, D/O. -DO- -DO-.**

12. **SUNANDA, D/O. -DO- -DO-.**

BY ADV. SRI.GOVIND K.BHARATHAN,
SRI.SARVOTHAMAN,
SRI.PRABIN BABU.

THIS RENT CONTROL REVISION HAVING BEEN FINALLY HEARD ON 17/07/2007,THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.B. KOSHY and T.R.RAMACHANDRAN NAIR, JJ.

R.C.R. No. 31 of 2004

Dated this the 17th day of July, 2007

Order

Koshy, J.

This revision petition is filed by the landlord. One of the objections raised by the tenants was regarding the title of the landlord. Title was concurrently found in favour of the appellant/landlord and also held that dispute regarding title is not bona fide, but, appellate authority was of the view that jural relationship between the petitioner and respondent were not established. We are not disturbing the finding on title and we also agree that there is no bona fide denial of title. We note that the rent control petition was filed as early as in 1987. About two decades are over. There are many subsequent events. Therefore, we dispose of the matter by giving rights of the petitioner in filing a fresh rent control petition. Finding made by court below with regard to section 11 (2) and 11 (4) (iv) of the Kerala Buildings (Lease and Rent Control) Act will not be a bar and if the landlord files a fresh petition, he can take up all the points available at the time of

filing the petition and the rent control court shall decide the mater untrammelled by the findings in the impugned order under section 11 (4) (iv).

The revision application is disposed of accordingly.

J.B.KOSHY
JUDGE

T.R.RAMACHANDRAN NAIR
JUDGE

vaa

J.B. KOSHY AND
T.R.RAMACHANDRAN NAIR, JJ.

R.C.R.NO.31/2004

JUDGMENT

Dated:17th July, 2007